

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2014080183

v.

HEALDSBURG UNIFIED SCHOOL
DISTRICT,

HEALDSBURG UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2014080188

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On August 1, 2014 Student, through his attorney, filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH Case Number 2014080183 (First Case), naming the Healdsburg Unified School District.

Also, Healdsburg, through its attorney, filed its Request for Due Process against Student, in OAH Case Number 2014080188 (Second Case), on August 1, 2014.

On August 5, 2014, Student filed a Motion to Consolidate the First Case with the Second Case. Healdsburg did not file a response or opposition to Student's motion to consolidate.

APPLICABLE LAW AND DISCUSSION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate cases that involve: 1) a common question of law and/or fact; 2) the same parties; and 3) when consolidation of the matters will further the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative

proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

In this motion to consolidate, the First Case filed by Student raises two issues regarding Student's procedural and substantive rights under the Individuals with Disabilities Education Act. Particularly, the First Case raises the issues of whether Healdsburg timely and appropriately assess Student in all areas of suspected disability, and whether Healdsburg ultimately fulfilled its obligations to provide Student with a free appropriate public education from the 2012-2013 school year through the current school year.

The Second Case filed by Healdsburg raises the issue of whether its July 7, 2014 individualized education program offer to Student constitute an offer of FAPE in the least restrictive educational setting.

The two cases involve the same parties, and cover same or similar issues and timelines. The cases present common questions of law and fact, as both relate to Student's right to a FAPE and Healdsburg's obligations to ensure that Student receives a FAPE. Resolving the two cases would involve same or similar evidence and witnesses, and will involve the evaluation of common questions of law and/or fact. Consolidating the cases will promote judicial economy, and accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014080188 (Second Case) are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of Student's complaint in OAH Case Number 2014080183 (First Case).

DATE: August 12, 2014

/s/

ADENIYI AYOADE

Administrative Law Judge

Office of Administrative Hearings